

How to navigate workplace bullying



Quick guide

- Bullying is repeated unreasonable behaviour that is a risk to health and safety
- In the first instance informal actions may be appropriate to deal with bullying however formal processes should also be in place to assist
- If you are concerned you have been bullied you can take your concerns to an external body such as Fair Work Australia.

Bullying in the workplace is never acceptable and is unlawful. However sometimes it can be difficult to determine the difference between bullying and poor communication or proper performance management. This factsheet outlines what workplace bullying is and outlines steps you can take if you are concerned you have been bullied at work.

What is workplace bullying?

Bullying occurs when a worker is subjected to repeated unreasonable behaviour by an individual or group while at work, which creates a risk to health and safety. This can include:

- aggressive or intimidating conduct
- belittling or humiliating comments
- victimisation
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material
- micromanagement
- pressure to behave in an inappropriate manner.

Bullying is unlawful. It is likely to breach work health and safety laws and an employer's common law obligations. It may also breach discrimination laws. A bullied worker

may be able to commence legal proceedings to seek compensation for the effects of bullying or to seek an order for the bullying to stop.

Behaviour constituting workplace bullying will generally meet the following criteria:

- It occurs at work.
- It is repeated.
- It is unreasonable.
- It is likely to cause a risk to health and safety, including mental health.

At work?

Conduct is generally regarded as work-related conduct if there is a sufficient connection to the workplace. The phrase 'at work' is not defined in legislation and there are a range of factors that a court or tribunal will consider to determine whether there is a sufficient connection to work. The Fair Work Commission has prepared a [Benchbook](#) which includes an 'at work' section outlining what this phrase means and providing several case examples.

Repeated and unreasonable?

A single incidence of bullying behaviour is not enough to be unlawful workplace bullying (although it should not be ignored). The behaviour must be repeated, and it must be unreasonable. The same behaviour does not have to be repeated. There could be a range of behaviours over time. Unreasonable behaviour is behaviour that a reasonable person, having regard to the circumstances, would regard as unreasonable.

Risk to health and safety

The unreasonable behaviour must create a risk to health and safety. The possibility of danger to health and safety is required, not actual danger to health and safety.

What is not workplace bullying?

Reasonable management action carried out in a reasonable manner is not workplace bullying. Supervisors have a right to manage your performance. Mere negative feedback, or constructive criticism is not bullying and harassment. However, if a person is experiencing feedback in an inappropriate tone or manner, or they do not feel they are receiving the necessary support to improve their performance compared to others, this may constitute bullying.

Poor communication in the workplace and poor behaviour from work colleagues or others may or may not constitute bullying depending on the circumstances. Behaviour can be disruptive but fall short of the legal definition of bullying.

What to do if you are experiencing bullying

Being subjected to bullying can make it difficult to concentrate at work and inevitably results in you bringing your anxieties about work home with you. This can lead to sleepless nights and increasing anxiety and can have a significant impact on patient care.

If you believe you are experiencing bullying, the following options are available to you.

Raise concerns early

Raising your concerns at an early stage may assist in resolving the issue as quickly and painlessly as possible.

Raise concerns informally

It is generally best for complaints to be handled as informally and locally as appropriate. Try to discuss the matter with the person in question in the first instance. If this is not appropriate, the next step is to discuss your specific concerns with the appropriate manager. This person may or may not be your direct manager. It could be another manager or the nominated workplace safety manager. It may also be appropriate to raise your concerns with a trusted supervisor and colleague who does not have management responsibilities.

Raise concerns formally

If your concerns are not resolved with an informal approach, or you do not feel comfortable raising the matters informally, you can make a formal complaint to your organisation. You will need to be prepared for the person you are complaining about to be informed of the complaint. Initial assessments of complaints should be conducted quickly.

Raise concerns externally

If your concerns are not resolved appropriately by your organisation, you may be able to make a complaint about bullying at work to the Fair Work Commission if you work for particular organisations (for example, companies). In some states (such as Queensland), public sector doctors can also make a complaint of bullying.

You could also make a complaint to the work health and safety regulator in your state or territory.

You can contact Avant's Medico-Legal Advisory Service for advice on **1800 128 268**.

Document

It is a good idea to document your version of events. Be honest and succinct in your accounts. Use 'I think' or 'I feel' statements and do not lay blame or personalise.

Get support

It may be useful to identify a mentor outside your workplace whom you can approach for their perspective and advice on your situation.

References and further reading

Avant resources

Avant - [Fair Work Commission – Stop bullying benchbook](#)

For more information or immediate medico-legal advice, call us on **1800 128 268**, 24/7 in emergencies. avant.org.au/mlas



avant.org.au/avant-learning-centre